

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GEORGE CHRISTY,
 Petitioner,

v.

ISIDRO BACA et al.,
 Respondents.

3:13-cv-00681-RCJ-WGC

ORDER

Petitioner has filed a Petition in this Court challenging his conviction for drunken driving in the First Judicial District Court of Nevada. Petitioner did not appeal his conviction, but he filed a state petition for post-conviction relief in the Second Judicial District Court of Nevada that was denied and appealed to the Nevada Supreme Court. Petitioner does not allege the current disposition of his state post-conviction petition in the Nevada Supreme Court.¹ Petitioner does not bring his Petition under 28 U.S.C. § 2254, but rather asks the Court to rule under Federal Rule of Civil Procedure 60(b)(4) that the state court's judgment of conviction is void because the state court that convicted him had no subject matter jurisdiction over the criminal offense. The Petition is denied for lack of subject matter jurisdiction. This Court has no appellate jurisdiction to review state court rulings. *See, e.g., D.C. Court of Appeals v. Feldman*, 460 U.S. 462, 476–79 (1983); *Rooker v. Fid. Trust Co.*, 263 U.S. 413, 415–16 (1923). The Court could potentially have original jurisdiction over the present matter under § 2254, but Petitioner has explicitly declined to invoke that statute. A § 2254 petition would be barred in any case, because Petitioner admits he failed to seek direct review of his conviction in the state courts. *See* 28 U.S.C. § 2254(b)(1)(A). Even assuming that the claims could be viewed as exhausted due to the post-conviction proceedings, despite not having been

¹The public records indicate that the Nevada Supreme Court issued its remittitur as to the denial of Petitioner's appeal of his state post-conviction relief petition on November 9, 2012.

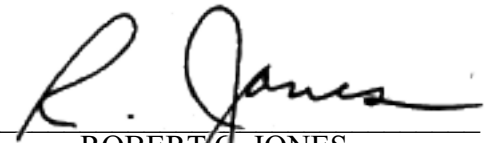
1 directly appealed, a § 2254 petition would be barred according to the one-year statute of limitations
2 under § 2244(d)(1)(A), because Petitioner's conviction became final on June 3, 2010, which was the
3 last day to file a direct appeal under Nevada Appellate Rule 4(b)(1)(A) (thirty days after the May 4,
4 2010 judgment of conviction), and Petitioner did not file the present Petition until over three years
5 later.

6 **CONCLUSION**

7 IT IS HEREBY ORDERED that the Application to Proceed *in Forma Pauperis* (ECF No. 1)
8 is GRANTED, the Petition is DENIED, and the Clerk shall close the case.

9 IT IS SO ORDERED.

10 Dated this 18th day of November, 2014.

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14 ROBERT C. JONES
15 United States District Judge
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